

105TH CONGRESS  
1ST SESSION

# H. R. 2476

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 10, 1997

Received

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## AN ACT

To amend title 49, United States Code, to require the National Transportation Safety Board and individual foreign air carriers to address the needs of families of passengers involved in aircraft accidents involving foreign air carriers.

1 *Be it enacted by the Senate and House of Representa-*  
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. PLANS TO ADDRESS NEEDS OF FAMILIES OF**  
 4 **PASSENGERS INVOLVED IN FOREIGN AIR**  
 5 **CARRIER ACCIDENTS.**

6 (a) IN GENERAL.—Chapter 413 of title 49, United  
 7 States Code, is amended by adding at the end the follow-  
 8 ing:

9 **“§ 41313. Plans to address needs of families of pas-**  
 10 **sengers involved in foreign air carrier ac-**  
 11 **cidents**

12 “(a) DEFINITIONS.—In this section, the following  
 13 definitions apply:

14 “(1) AIRCRAFT ACCIDENT.—The term ‘aircraft  
 15 accident’ means any aviation disaster, regardless of  
 16 its cause or suspected cause, that occurs within the  
 17 United States; and

18 “(2) PASSENGER.—The term ‘passenger’ in-  
 19 cludes an employee of a foreign air carrier or air  
 20 carrier aboard an aircraft.

21 “(b) SUBMISSION OF PLANS.—A foreign air carrier  
 22 providing foreign air transportation under this chapter  
 23 shall transmit to the Secretary of Transportation and the  
 24 Chairman of the National Transportation Safety Board  
 25 a plan for addressing the needs of the families of pas-

1 sengers involved in an aircraft accident that involves an  
2 aircraft under the control of the foreign air carrier and  
3 results in a significant loss of life.

4 “(c) CONTENTS OF PLANS.—To the extent permitted  
5 by foreign law which was in effect on the date of the enact-  
6 ment of this section, a plan submitted by a foreign air  
7 carrier under subsection (b) shall include the following:

8 “(1) TELEPHONE NUMBER.—A plan for pub-  
9 licizing a reliable, toll-free telephone number and  
10 staff to take calls to such number from families of  
11 passengers involved in an aircraft accident that in-  
12 volves an aircraft under the control of the foreign air  
13 carrier and results in a significant loss of life.

14 “(2) NOTIFICATION OF FAMILIES.—A process  
15 for notifying, in person to the extent practicable, the  
16 families of passengers involved in an aircraft acci-  
17 dent that involves an aircraft under the control of  
18 the foreign air carrier and results in a significant  
19 loss of life before providing any public notice of the  
20 names of such passengers. Such notice shall be pro-  
21 vided by using the services of—

22 “(A) the organization designated for the  
23 accident under section 1136(a)(2); or

24 “(B) other suitably trained individuals.

1           “(3) NOTICE PROVIDED AS SOON AS POS-  
2           SIBLE.—An assurance that the notice required by  
3           paragraph (2) shall be provided as soon as prac-  
4           ticable after the foreign air carrier has verified the  
5           identity of a passenger on the foreign aircraft,  
6           whether or not the names of all of the passengers  
7           have been verified.

8           “(4) LIST OF PASSENGERS.—An assurance that  
9           the foreign air carrier shall provide, immediately  
10          upon request, and update a list (based on the best  
11          available information at the time of the request) of  
12          the names of the passengers aboard the aircraft  
13          (whether or not such names have been verified),  
14          to—

15                 “(A) the director of family support services  
16                 designated for the accident under section  
17                 1136(a)(1); and

18                 “(B) the organization designated for the  
19                 accident under section 1136(a)(2).

20           “(5) CONSULTATION REGARDING DISPOSITION  
21           OF REMAINS AND EFFECTS.—An assurance that the  
22           family of each passenger will be consulted about the  
23           disposition of any remains and personal effects of  
24           the passenger that are within the control of the for-  
25           eign air carrier.

1           “(6) RETURN OF POSSESSIONS.—An assurance  
2           that, if requested by the family of a passenger, any  
3           possession (regardless of its condition) of that pas-  
4           senger that is within the control of the foreign air  
5           carrier will be returned to the family unless the pos-  
6           session is needed for the accident investigation or a  
7           criminal investigation.

8           “(7) UNCLAIMED POSSESSIONS RETAINED.—An  
9           assurance that any unclaimed possession of a pas-  
10          senger within the control of the foreign air carrier  
11          will be retained by the foreign air carrier for not less  
12          than 18 months after the date of the accident.

13          “(8) MONUMENTS.—An assurance that the  
14          family of each passenger will be consulted about con-  
15          struction by the foreign air carrier of any monument  
16          to the passengers built in the United States, includ-  
17          ing any inscription on the monument.

18          “(9) EQUAL TREATMENT OF PASSENGERS.—An  
19          assurance that the treatment of the families of non-  
20          revenue passengers will be the same as the treat-  
21          ment of the families of revenue passengers.

22          “(10) SERVICE AND ASSISTANCE TO FAMILIES  
23          OF PASSENGERS.—An assurance that the foreign air  
24          carrier will work with any organization designated  
25          under section 1136(a)(2) on an ongoing basis to en-

1       sure that families of passengers receive an appro-  
2       priate level of services and assistance following an  
3       accident.

4           “(11) COMPENSATION TO SERVICE ORGANIZA-  
5       TIONS.—An assurance that the foreign air carrier  
6       will provide reasonable compensation to any organi-  
7       zation designated under section 1136(a)(2) for serv-  
8       ices and assistance provided by the organization.

9           “(12) TRAVEL AND CARE EXPENSES.—An as-  
10      surance that the foreign air carrier will assist the  
11      family of any passenger in traveling to the location  
12      of the accident and provide for the physical care of  
13      the family while the family is staying at such loca-  
14      tion.

15          “(13) RESOURCES FOR PLAN.—An assurance  
16      that the foreign air carrier will commit sufficient re-  
17      sources to carry out the plan.

18          “(14) SUBSTITUTE MEASURES.—If a foreign  
19      are carrier does not wish to comply with paragraphs  
20      (10), (11), or (12), a description of proposed ade-  
21      quate substitute measures for the requirements of  
22      each paragraph with which the foreign air carrier  
23      does not wish to comply.

24          “(d) PERMIT AND EXEMPTION REQUIREMENT.—The  
25      Secretary shall not approve an application for a permit

1 under section 41302 unless the applicant has included as  
 2 part of the application or request for exemption a plan  
 3 that meets the requirements of subsection (c).

4 “(e) LIMITATION ON LIABILITY.—A foreign air car-  
 5 rier shall not be liable for damages in any action brought  
 6 in a Federal or State court arising out of the performance  
 7 of the foreign air carrier in preparing or providing a pas-  
 8 senger list pursuant to a plan submitted by the foreign  
 9 air carrier under subsection (c), unless the liability was  
 10 caused by conduct of the foreign air carrier which was  
 11 grossly negligent or which constituted intentional mis-  
 12 conduct.”.

13 (b) CONFORMING AMENDMENT.—The table of sec-  
 14 tions for such chapter is amended by adding at the end  
 15 the following:

“41313. Plans to address needs of families of passengers involved in foreign air  
 carrier accidents.”.

16 (c) EFFECTIVE DATE.—The amendments made by  
 17 this section shall take effect on the 180th day following  
 18 the date of the enactment of this Act.

Passed the House of Representatives November 9,  
 1997.

Attest:

ROBIN H. CARLE,

*Clerk.*